

#952713



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
Boehm et al.)	Anitza M. San Miguel
)	
Application Serial No. 10/798,145)	Group Art Unit 3733
)	
Filed: March 11, 2004)	Atty Docket No.:
)	MSDI-833/P27589.02
DEVICE AND METHOD FOR)	
LUMBAR INTERBODY FUSION)	April 6, 2007

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

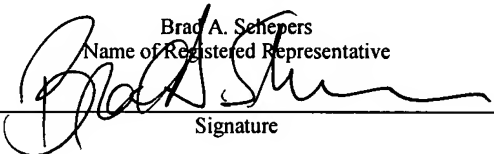
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicants wish to bring to the attention of the Examiner the following patents, publications and/or other information listed on the attached PTO Form 1449.

This information is not believed to have previously been submitted in this application, and has not heretofore been cited by the Examiner. The filing of this Supplemental Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56 or prior art.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Brad A. Schepers
Name of Registered Representative


Signature

April 6, 2007
Date of Signature

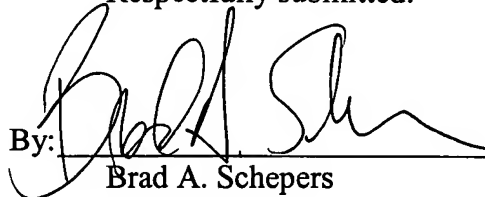
04/10/2007 HGUTEMA1 00000088 10798145

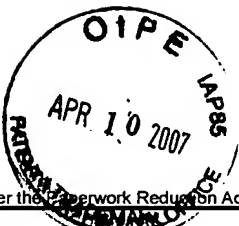
02 FC:1806

180.00 0P

This Statement is being submitted after the mailing of an Office Action on the merits but prior to the mailing of a final Action or a Notice of Allowance. Therefore, a fee in the amount of \$180.00 is enclosed for consideration of this Supplemental Information Disclosure Statement. Should any additional fees be required, please charge such fee to Deposit Account No. 12-2424, but not to include any payment of issue fees.

Respectfully submitted:

By: 
Brad A. Schepers
Reg. No. 45,431
Krieg DeVault LLP
2800 One Indiana Square
Indianapolis, Indiana 46204-2079
Phone: (317) 636-6334



PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form-1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/798,145
Filing Date	March 11, 2004
First Named Inventor	Frank H. Boehm Jr.
Art Unit	3733
Examiner Name	Anitza M. San Miguel
Attorney Docket Number	MSDI-833/P27589.02

Sheet 1 of 2

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,449,532	05-22-1984	Storz	
		US- 4,545,374	10-08-1985	Jacobson	
		US- 4,573,448	03-04-1986	Kambin	
		US- 4,862,891	09-05-1989	Smith	
		US- 4,994,027	02-19-1991	Farrell	
		US- 5,071,410	12-10-1991	Pazell	
		US- 5,158,543	10-27-1992	Lazarus	
		US- 5,171,279	12-15-1992	Mathews	
		US- 5,312,360	05-17-1994	Behl	
		US- 5,357,983	10-25-1994	Mathews	
		US- 5,484,437	01-16-1996	Michelson	
		US- 5,496,322	03-05-1996	Mathews	
		US- 5,741,253	04-21-1998	Michelson	
		US- 5,752,969	05-19-1998	Cunci	
		US- 5,803,904	09-08-1998	Mehdizadeh	
		US- 5,817,034	10-06-1998	Milliman et al.	
		US- 5,902,231	05-11-1999	Foley et al.	
		US- 5,954,671	09-21-1999	O'Neill	
		US- 5,964,781	10-12-1999	Mollenauer et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/798,145
Filing Date	March 11, 2004
First Named Inventor	Frank H. Boehm Jr.
Art Unit	3733
Examiner Name	Anitza M. San Miguel
Attorney Docket Number	MSDI-833/P27589.02

Sheet 2 of 2

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 6,156,040	12-05-2000	Yonemura et al.	
		US- 6,162,170	12-19-2000	Foley et al.	
		US- 6,213,957	04-10-2001	Milliman et al.	
		US- 6,241,769	06-05-2001	Nicholson et al.	
		US- 6,270,498	08-07-2001	Michelson	
		US- 6,520,907	02-18-2003	Foley et al.	
		US- 6,562,046	05-13-2003	Sasso	
		US- 6,565,574	05-20-2003	Michelson	
		US- 6,575,899	06-10-2003	Foley et al.	
		US- 6,575,979	06-10-2003	Cragg	
		US- 6,666,891	12-23-2003	Boehm, Jr. et al.	
		US- 2001/0012950	08-09-2001	Nishtaka et al.	
		US- 2002/0087152	07-04-2002	Mikus et al.	
		US- 2002/0133128	09-19-2002	Heller	
		US- 2003/0073998	04-17-2003	Pagliuca et al.	
		US- 2003/0083688	05-01-2003	Simonson	
		US- 2003/0083689	05-01-2003	Simonson	
		US- 2003/0139814	07-24-2003	Bryan	
		US- 2003/0176926	09-18-2003	Boehm et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.